

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

ANTHONY CHARLES HICKONBOTTOM,

Petitioner,

v.

JANE PARNELL,

Respondent.

Case No. C10-5030RBL

ORDER TO PROVIDE  
ADDITIONAL BRIEFING  
AND RE-NOTING A  
MOTION TO DISMISS

The petitioner is seeking federal habeas corpus relief pursuant to 28 U.S.C. § 2254. This case has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §§ 636 (b) (1) (A) and (B) and Local Magistrate Judge's Rules MJR 3 and MJR 4.

Respondent has moved to dismiss the petition as time barred. The respondent uses a time start date of May 3, 2008 -- one day after the sentence was entered.

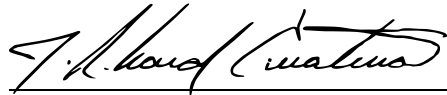
28 U.S.C. 2244 (d) (1) (A) provides that the one-year time limit will run from the latest of "the date on which the judgment became final by conclusion of direct review or the expiration of the time for seeking such review." Petitioner plead guilty and under Washington law may have waived his right to appeal, however, the respondent did not place before the court any briefing

1 regarding how long a person has to appeal a conviction or whether petitioner waives his right to  
2 appeal by pleading guilty.

3 The parties are directed to file additional briefing as to the issue raised above.  
4 Respondent's brief will be due on or before October 29, 2010. Petitioner's response will be due  
5 on or before November 19, 2010. Any reply respondent wishes to file will be due on or before  
6 December 3, 2010. The motion to dismiss (Dkt. # 13) is re-noted for December 10, 2010.  
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8 The Clerk is directed to mail a copy of this Order to petitioner.

9 Dated this 20<sup>th</sup> day of September 2010.  
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12 J. Richard Creatura  
13 United States Magistrate Judge  
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